

Serial No. 10/658,674

Page 8 of 9

Remarks

Claims 1-32 are pending in the application.

Restriction under 35 U.S.C. 121 is required to one of the following inventions:

I. Claims 1-2 and 3-7, drawn to Cell Planning and System Configuration, classified in class 455, subclasses 423 and 446 and class 370, subclass 350.

II. Claims 8-11, drawn to Handoff and Roaming, classified in class 455, subclasses 432.1 and 436+ and class 370, subclass 331.

III. Claims 12-14 and 19-32, drawn to Channel Allocation, classified in class 455, subclass 450 and class 370, subclasses 329 and 341.

IV. Claims 15-18, drawn to Load Balancing, classified in class 455, subclass 453.

The Examiner states that the inventions are distinct from each other because "the inventions as claimed discuss four different aspects of network configuration," and "the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants."

Applicants elect, with traverse, the claims of Group I, namely claims 1-2 and 3-7. Applicants respectfully request reconsideration of the restriction requirement, and request that the restriction requirement be withdrawn.

Applicants submit the restriction requirement is defective and that the Examiner has not properly established or satisfied the criteria for a proper requirement for restriction at least because each of the inventions as claimed are associated with network configuration associated with a communications protocol between a gateway and an access point. Specifically, each of the claimed inventions of the different groups include limitations directed toward aspects of the communications protocol, such as access point location, IP address, MAC address, radio type, power level information, requests for data services, discovery messages, and the like.

Further, Applicants believe that the search and examination of the entire Application can be made "without serious burden to the Examiner." (See MPEP §803).

To the extent this restriction requirement is maintained by the Examiner, Applicants reserve the right to subsequently file one or more divisional applications in order to prosecute the inventions recited in the non-elected groups of claims.

560314-1

Serial No. 10/658,674

Page 9 of 9

As such, and because of the above traversal, Applicants respectfully submit that the Right of Petition under 37 CFR §1.144 has been preserved.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 4/24/07

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808